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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,218	02/16/1999	PETER R. ELLIS	AUTOB.060A	2989

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EXAMINER
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ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/251,218

Applicant(s)  
Peter R. Ellis et al.

Examiner  
Pierre E. Elisca

Art Unit  
3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/27/2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16, 38-57, 67, and 68 is/are pending in the application.
- 4a) Of the above, claim(s) 17-37, 58-66 And 69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 38-57, 67, And 68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 20
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**  
**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's amendment filed on 12/27/2002.
2. Claims 17-37, 58-66 and 69 are canceled, and claims 1-16, 38-57 and 67-68 are pending.

*Claim Rejections - 35 U.S.C. § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 1(2) of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-16, 38-57 and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (U. S. Patent No. 6,026,376) in view of Burke ("Do You See What I See? The Future of Virtual Shopping", Journal of

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the Academy of Marketing Science, V25n4,PP:352-360 Fall 1997) and Foley et al. (hereinafter Foley) ("Introduction to Computer Graphics", Addison-Wesley Publishing Company, Inc, 19 93) and Mills et al., (hereinafter Mills) ("Manufacturing goes virtual", Computer Aided Engineering", 1998) and Gottschalk et al. (hereinafter Gottschalk) ("Engineers Mine the Online World").

**Regarding to claims 1, and 67-68 Kenny** substantially discloses a product configuration display system comprising:

a data center having a microprocessor operably connected to a storage media, said data center configured to be networked with at least a buyer terminal (see Col. 2, lines 13-20, Col. 4, 33-35), said data center configured to received at least one request to change a product presentation from said buyer terminal (see Col. 2, lines 15-20, Col. 6, lines 5 5-65);

a product display module operably connected to said storage media and configured to execute in said data center, said product display module including a definition of a product display screen accessible by said buyer terminal (see Col. 5, lines 44-65, Col. 6, lines 1-3), said product display module configured to receive a request to change a product presentation through said product display screen, said product display module configured to display the changed product presentation in said product display screen by modifying said definition of the product display screen (see Col. 6, lines 55-65).

**Kenny** does not explicitly discloses at least one three-dimensional representation of a first product stored in said storage media, said at least one representation of said first product by rotating said three-dimensional representation of the product.

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However, Burkes discloses three-dimensional presentation of products offered for Internet shoppers (see page 10, paragraph 5, means for product storage media is inherently required in order to display three-dimensional products on merchant's web pages).

Neither Kenny nor Burke disclose the use of rotating a 3D object.

**Foley** discloses a method for rotating three-dimensional objects (see pages 181-182).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Burkes' three-dimensional products and Foley's rotational feature to Kenny's virtual shopping system for the purpose of providing shoppers simulated real life presentation of products before purchasing decision is made online.

**Kenny, Burke and Foley** do not explicitly disclose said request comprising user-selected alteration of physical product exterior/interior options and said changed product presentation comprising said user selected Alteration of physical product exterior/interior options.

**However, Mills** discloses a modeling and designed CAD system used in manufacture of product design with 3 D modeling of products and Gottschalk discloses the networking CAD system with Internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mills and Gottschalk to the teaching of Kenny's virtual shopping to bring virtual shopping to consumer that enable consumers to visually see the complete product with different configuration according consumer's choice. The examiner further asserts that since not many consumers would buy a car without visually seeing and/or test driving the final product including its options, it would have been obvious that when presenting the automobile online to consumers in order to influence their purchasing decision, consumer would wants to be presented with the vehicle of their choices in complete components when doing comparison shopping online.

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**Regarding to claim 2, Kenny, Burke, Foley, Mills, and Gottschalk** disclose the system as defined in claim 1 but does not explicitly discloses said system wherein said at least one three-dimensional representation of said first product is a three-dimensional model of said first product.

However, Official Notice is taken that three-dimensional modeling is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate three-dimensional modeling to Kenney for displaying product information to online shoppers for enhance visual presentation.

**Regarding to claim 3, Kenny** discloses the system as defined in claim 1. Kenney does not explicitly discloses said three-dimensional representation of said first product is at least one three-dimensional photograph of said first product.

However, Official Notice is taken that three-dimensional photorealism computer graphic is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include said feature to Kenney for enhance visual presentation for marketing purposes.

**Regarding to claim 4,** the system as defined in claim 1. Kenney does not explicitly discloses said system wherein said definition of said product display screen includes a manufacturer suggested retail price and an adjusted price.

Official Notice is taken that displaying product information including pricing is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include manufacturer suggested retail price and an adjusted price for the purpose of providing consumer comparative pricing information.

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**Regarding to claim 5**, the claimed invention contains limitation similar to claim 1 and therefore the same rejection applied (it is inherent that rotation is rotates about x, y, z in computer graphic).

**Regarding to claim 6**, the claimed invention contains limitation similar to claim 1 and therefore the same rejection applied (rotation about x, y and z with x being horizontal and y being vertical axis is inherent in computer graphic).

**Regarding to claim 7**, the claimed invention contains limitation similar to claim 6 and therefore the same rejection applied.

**Regarding to claim 8**, Kenney discloses a system as defined in claim 1. Kenney does not explicitly discloses said rotating is continuous.

Official Notice is taken that rotating object continuously is old and well known in computer graphic.

It would have been **obvious** to one of ordinary skill in the art at the time the invention was made to incorporating product rotates continuously for the purpose of providing shoppers Multiple views of the product for enhance visual presentation.

**Regarding to claim 9**, the claimed invention is similar to the limitation of claim 1 and therefore the same rejection applied (rotating about a point within the interior of a three-dimensional object is inherent in computer graphic).

**Regarding to claim 10**, the claimed invention is similar to claim 9 and therefore the same rejection applied.

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**Regarding to claim 11, Kenney** discloses the system as defined in claim 1. Kenney does not explicitly discloses said system wherein said three-dimensional representation can be rotated to illustrate a constant source of light.

However, Official Notice is taken that illumination is old and well known in computer graphic art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include illumination feature to Kenney's virtual product presentation and Burke's three dimensional product to create dept for enhancing visual effect.

**Regarding to claim 12, Kenney** discloses the system as defined in claim 1. Kenney does not explicitly discloses said system wherein said request to change said product presentation includes a request to change a product perspective view.

Official Notice is taken that presenting multiple views of a product is old and well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to present to shopper a different perspective view of the product at shopper's request (i.e.interior of a product) for the purpose of providing a different view of a product.

**Regarding to claim 13, Kenney** discloses the system as defined in claim 12. Kenney does not explicitly discloses said system wherein said request to change said product perspective view includes changing a reference angle.

**However, Foley** discloses method of changing perspective view of object by rotating about axis with specific angles (see page 184).



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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporating the changing of reference angle to alter perspective view of product to Kenney virtual shopping with Burke's three-dimensional product presentation for the benefit of presenting multiple views of product to shoppers.

**Regarding to claim 14**, the claimed invention is similar to claim 5 and therefore the same rejection applied (rotating about axis is inherently rotating to a different direction).

**Regarding to claim 15**, Kenney discloses the system of claim 1, wherein said request to change said product presentation includes a request to change a product configuration (see., col 6, lines 55-65).

**Regarding to claim 16**, Kenney discloses the system as defined in claim 1. Kenney does not explicitly discloses wherein said request to change said product presentation includes a request to change a product color.

Official Notice is taken that altering color to object is old and well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the change of product color to the product presentation of Kenney's for the benefit of presenting product where color is an important element of decision making.

**Regarding to claim 38**, Kenny discloses a method for presenting at least one product configuration over a network, comprising the acts of:

providing a data center having a microprocessor operably connected to a storage media, said data center configured to be networked with at least a buyer terminal (see., col 2, lines 13-20, col 4, lines 33-35), said data

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center configured to receive at least one request to change a product presentation from said buyer terminal (see., col 2, lines 15-20, col 6, lines 55-65);

providing a definition of a product display screen accessible by a buyer terminal, said definition of said product display screen includes a product presentation, wherein said product presentation includes at Vat one perspective view of said first product (see cot 6, lines 55-65);

receiving a request to change said product presentation from a buyer terminal(see cot 6, lines 58-60); and  
modifying said definition of said product display screen according to said request to change said product presentation (see col. 6, lines 64-66).

**Kenny** does not explicitly discloses providing at least one three-dimensional representation of a first product stored in said storage media, said at least one representation of said first product capable of illustrating Multiple perspective views of said first product by rotating said three-dimensional representation of the product;

**However, Burkes** discloses three-dimensional presentation of products offered for Internet shoppers (see page 10, paragraph 5, providing product storage media is inherently required in order to display three-dimensional products on the Internet).

**Foley** discloses method for rotating three-dimensional objects (see pages 181-182).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Burkes' three-dimensional products and Foley's rotational feature to Kenny's virtual shopping system for the purpose of providing shoppers simulated real life presentation of products before purchasing decision is made online.

**Regarding to claim 39**, the claimed invention is similar to claim 2 and therefore the same rejection applied.

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**Regarding to claim 40**, the claimed invention is similar to claim 3 and therefore the same rejection applied.

**Regarding to claim 41**, the claimed invention is similar to claim 4 and therefore the same rejection applied.

**Regarding to claim 42**, the claimed invention is similar to claim 5 and therefore the same rejection applied.

**Regarding to claim 43**, the claimed invention is similar to claim 6 and therefore the same rejection applied.

**Regarding to claim 44**, the claimed invention is similar to claim 7 and therefore the same rejection applied.

**Regarding to claim 45**, the claimed invention is similar to claim 8 and therefore the same rejection applied.

**Regarding to claim 46**, the claimed invention is similar to claim 9 and therefore the same rejection applied.

**Regarding to claim 47**, the claimed invention is similar to claim 10 and therefore the same rejection applied.

**Regarding to claim 48**, the claimed invention is similar to claim 11 and therefore the same rejection applied.

**Regarding to claim 49**, the claimed invention is similar to claim 12 and therefore the same rejection applied.

**Regarding to claim 50**, the claimed invention is similar to claim 13 and therefore the same rejection applied.

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Regarding to claim 51, the claimed invention is similar to claim 14 and therefore the same rejection applied..

Regarding to claim 52, the claimed invention is similar to claim 15 and therefore the same rejection applied.

Regarding to claim 53, the claimed invention is similar to claim 16 and therefore the same rejection applied.

Regarding to claim 54, the claimed invention contains limitations of claims 21 and 37 and therefore the same rejection applied.

Regarding to claim 55, the claimed invention contains limitations of claims 22 and 37 and therefore the same rejection applied.

Regarding to claim 56, the claimed invention contains the limitations of claims 23 and 37 and therefore the same rejection applied.

Regarding to claim 57, a claimed invention contains the limitations of claims 24 and 37 and therefore the same rejection applied.

**RESPONSE TO ARGUMENTS**

**5. Applicant arguments filed on 12/27/2002 have been fully considered but they are not persuasive.**

**REMARKS**

's arguments filed 12/27/2002, Applicant argues that the prior art of record

do not teach or suggest:

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a. "Request comprising user-selected alteration of physical product exterior/interior options and said changed product presentation comprising said user selected Alteration of physical product exterior/interior options". As indicated above, **Mills** discloses a modeling and designed CAD system used in manufacture of product design with 3 D modeling of products and **Gottschalk** discloses the networking CAD system with Internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of **Mills** and **Gottschalk** to the teaching of **Kenny's** virtual shopping to bring virtual shopping to consumer that enable consumers to visually see the complete product with different configuration according consumer's choice. The examiner further asserts that since not many consumers would buy a car without visually seeing and/or test driving the final product including its options, it would have been obvious that when presenting the automobile online to consumers in order to influence their purchasing decision, consumer would wants to be presented with the vehicle of their choices in complete components when doing comparison shopping online.

alterations of physical product exterior/interiorReceive a request to change a product presentation". As specified by the Examiner in the Office action mailed on 12/31/2001, page 4, this limitation is disclosed by **Mills** see., pages 1-5, specifically wherein it is stated that modeling and designed CAD system used in manufacture of product. Applicant should duly note that the CAD system is capable of changing a product presentation, since CAD is a software to design, simulate, manufacturing operations.

b. In response to claim 67, Applicant argues that the Examiner failed to specify the limitation "wherein said first and second modified product presentations are stored as first and second stored product presentations, and wherein said product display module is configured to retrieve and simultaneously display". However, the Examiner respectfully disagrees as this limitation is disclosed by **Kenny** in col 5, lines 44-65, specifically wherein it is stated that a storage means of whatever type is used within the system such that data can be removed and replaced as changed (changed

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or modified) are made in the actual facility, and col 6, lines 55-67, please note that first and second stored product presentations are readable as storage means 10, and 18.

***Conclusion***

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C.20231

or faxed to:

(703)305-9051,(for formal communications intended for entry)

Or:

(703)305-0040, (for informal or draft Communications, please label

"PROPOSED" or"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre Eddy Elisca, whose telephone number is (703)305-3987 and whose e-mail address is Pierre.Elisca@uspto.gov. The examiner can normally be reached on Monday through Friday from 8:30 A M to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768. The fax phone number for this Art Unit is:

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**(703) 305-7687**



**Pierre Eddy Elisca**

**Patent Examiner**

**May 29, 2003**